

Amendment under 37 C.F.R. § 1.111
U.S. Application No. 10/730,268

AMENDMENTS TO THE DRAWINGS

Applicant submits herewith two annotated sheet for Figures 8A, 8B, 11A and 11B.

Attachment: 2 Annotated Sheets

REMARKS

Claims 1-10 have been examined. Claims 2-4 have been rejected under 35 U.S.C. § 112, second paragraph, claims 1-5 and 8-10 have been rejected under 35 U.S.C. § 102(b), claims 1 and 2 have been rejected under 35 U.S.C. § 102(e), and claims 6-7 have been rejected under 35 U.S.C. § 103(a).

I. Preliminary Matters

Applicant is submitting herewith a formal replacement sheet for Figures 8A, 8B, 11A and 11B. In the figures, Applicant has added new reference numeral 12B to refer to a feature present in the figures as originally filed. Likewise, Applicant has added the reference numeral 12B to the specification. Since the feature was already present in the Figures upon filing, and therefore is part of the original disclosure of the present Application, Applicant submits that the amendment to provide a brief description/reference numeral does not constitute new matter.

II. Rejections under 35 U.S.C. § 112, second paragraph

The Examiner has rejected claims 2-4 under 35 U.S.C. § 112, second paragraph, as allegedly being indefinite. Accordingly, Applicant has amended the claims in a manner believed to overcome the rejection.

III. Rejections under 35 U.S.C. § 102(b) in view of U.S. Patent No. 6,168,428 to Voudouris (“Voudouris”)

The Examiner has rejected claims 1, 2 and 8-10 under 35 U.S.C. § 102(b) as allegedly being anticipated by Voudouris.

A. Claims 1 and 8

Applicant submits that claims 1 and 8 are patentable over the cited reference. For example, claims 1 and 8 recite that a middle groove is formed on the bracket main body at a middle area thereof along a direction perpendicular to the mesiodistal direction.

As set forth above, the middle groove is shown by reference numeral 12B in the replacement sheet for Figures 8A and 8B. Such feature was already present in the figures as filed and therefore fully complies with the written description requirement. Applicant submits that Voudouris fails to teach or suggest the claimed middle groove in a direction perpendicular to the mesiodistal direction. Thus, Applicant submits that claims 1 and 8 are patentable over the cited reference.

B. Claims 2, 9 and 10

Since claims 2, 9 and 10 are dependent upon one of claims 1 or 8, Applicant submits that such claims are patentable at least by virtue of their dependency.

IV. Rejections under 35 U.S.C. § 102(e) in view of U.S. Patent No. 6,776,613 to Orikasa (“Orikasa”)

The Examiner has rejected claims 1 and 2 under 35 U.S.C. § 102(e) as allegedly being anticipated by Orikasa.

A. Claim 1

Applicant submits that claim 1 is patentable over the cited reference. For example, claim 1 recites that a middle groove is formed on the bracket main body at a middle area thereof along a direction perpendicular to the mesiodistal direction.

As set forth above, the middle groove is shown by reference numeral 12B in the replacement sheet for Figures 8A and 8B. Applicant submits that Orikasa fails to teach or suggest the claimed middle groove in a direction perpendicular to the mesiodistal direction. Thus, Applicant submits that claim 1 is patentable over the cited reference.

B. Claim 2

Since claim 2 is dependent upon claim 1, Applicant submits that such claim is patentable at least by virtue of its dependency.

V. Rejections under 35 U.S.C. § 102(b) in view of U.S. Patent No. 6,071,119 to Christoff (“Christoff”)

The Examiner has rejected claims 1, 3-5 and 9 under 35 U.S.C. § 102(b) as allegedly being anticipated by Christoff.

A. Claim 1

Applicant submits that claim 1 is patentable over the cited reference. For example, claim 1 recites that a middle groove is formed on the bracket main body at a middle area thereof along a direction perpendicular to the mesiodistal direction.

As set forth above, the middle groove is shown by reference numeral 12B in the replacement sheet for Figures 8A and 8B. Applicant submits that Christoff fails to teach or suggest the claimed middle groove in a direction perpendicular to the mesiodistal direction. Thus, Applicant submits that claim 1 is patentable over the cited reference.

B. Claim 3

Applicant submits that claim 3 is patentable over the cited reference. For example, claim 3 recites that the recess portion is a cut-and-rising portion comprising a convex portion that protrudes from an outer surface of the clip in a direction facing away from the bracket main body.

The Examiner maintains that elements 64g and 65g of Christoff disclose the claimed recess portion. However, elements 64g and 65g do not protrude from an outer surface of the clip 32. Rather, elements 64g and 65g are merely square-shaped through holes.

Additionally, Applicant submits that claim 3 is patentable at least by virtue of its dependency upon claim 1.

C. Claims 4, 5 and 9

Since claims 4, 5 and 9 are dependent upon claim 1, Applicant submits that such claims are patentable at least by virtue of their dependency.

VI. Rejections under 35 U.S.C. § 103(a) in view of Christoff

The Examiner has rejected claim 6 under 35 U.S.C. § 103(a) as allegedly being unpatentable over Christoff. However, since claim 6 is dependent upon claim 1, Applicant submits that such claim is patentable at least by virtue of its dependency.

VII. Rejections under 35 U.S.C. § 103(a) in view of Christoff and Voudouris

The Examiner has rejected claim 7 under 35 U.S.C. § 103(a) as allegedly being unpatentable over Christoff in view of Voudouris. However, since claim 7 is dependent upon claim 1, and neither Christoff nor Voudouris disclose the claimed middle groove recited in claim 1, Applicant submits that claim 7 is patentable at least by virtue of its dependency.

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VIII. Newly Added Claim

Applicant has added claims 12-18. Applicant submits that the newly added claims are directed towards the elected invention.

IX. Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

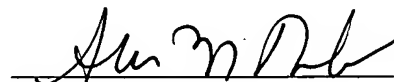
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